UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,363	03/12/2004	Frank Beunings	34874-090 UTIL	6370

64280 7590 02/06/2007 MINTZ, LEVIN, COHN, FERRIS, GLOVSKY & POPEO, P.C. 9255 TOWNE CENTER DRIVE SUITE 600 SAN DIEGO, CA 92121	**EXAMINER** ANYA, CHARLES E

ART UNIT	PAPER NUMBER
2194	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	10/799,363	BEUNINGS ET AL.
	Examiner	**Art Unit**	
	Charles E. Anya	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3/_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *12 March 2004*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-15* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-15* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *7/15/05*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-15 are pending in this application.

Claim Rejections - 35 USC § 101

2.   35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2.   Claims 1-15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1 and 11 are directed to a method that does not produce physical transformation or useful, concrete and tangible result. The current focus of the Patent Office in regard to statutory inventions under 35 U.S.C. § 101 for method claims and claims that recite a judicial exception (software) is that the claimed invention recite a practical application. Practical application can be provided by a physical transformation or a useful, concrete and tangible result. No physical transformation is recited and additionally, the final result of the claim is "accessing, via context object, the content of the message at one of the interface" which is not a tangible result because it does not produce a useful, concrete and tangible result. The following link on the World Wide Web is for the United States Patent And Trademark Office (USPTO) policy on 35 U.S.C. §101.

Claim 6 is directed to a message exchange system, which is software per se. The message exchange system is not a process, a machine, a manufacture or a

composition of matter. In contrast, a claimed computer-readable storage medium encoded with instruction for exchanging messages is a computer element with defined structural and functional interrelationships. The structural and functional interrelationship allows the claim to be classified as a machine and the functionality to be realized and thus statutory. Accordingly, appropriate correction or amendment is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following terms lack antecedent basis:

i.   "the object" on line 2 of claim 1.

For the purpose of this office action the Examiner would change "the object" to "the context object".

ii.   "the some content" on line 1 of claims 2 and 12.

For the purpose of this office action the Examiner would delete "some".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pub. No. 20040068728 A1 to Blevins.

4.   As to claim 1, Blevins teaches a method of accessing content of a message, comprising: defining a context object for a message, the context object being an abstraction of content of the message ("…message envelope…container…" page 3 paragraphs 0048/0049, "…b2b.protocol.messaging.MessageEnvelope component…" page 8 paragraph 0117); assigning the context object to one or more interfaces through which the message is to be communicated ("…instance of a b2b.protocol.messaging.MessageEnvelope class…" page 3 paragraphs 0048/0049); and accessing, via the context object, the content of the message at one of the interfaces (page 8 paragraph 0119, "…getMessage method…" page 10 paragraphs 0150/0152).

5.   As to claim 2, Blevins teaches a method in accordance with claim 1, wherein accessing the content includes accessing application data associated with the context object (page 8 paragraph 0119).

6.   As to claim 3, Blevins teaches a method in accordance with claim 1, wherein the
context object includes a name and a namespace ("...return address...destination
address..." page 3 paragraph 0049, "...sender URL and the URL for the recipient" page
8 paragraph 0117).

7.   As to claim 4, Blevins teaches a method in accordance with claim 1, further
comprising storing the context object in a repository accessible by a runtime engine to
communicate with the one or more interfaces ("...B2B integration engine..." page 3
paragraph 0050/0051).

8.   As to claim 5, Blevins teaches a method in accordance with claim 4, wherein
storing the context object includes storing a name and a namespace associated with the
context object ("...sender URL and the URL for the recipient" page 8 paragraph 0117).

9.   As to claim 6, Blevins teaches a message exchange system, comprising: one or
more message interfaces, through which messages are received from a sender or sent
to one or more receivers ("...b2b.protocol.messaging.Message interface..." page 3
paragraphs 0045-0049, page 8 paragraph 0118); a repository storing a plurality of
context objects, wherein each context object is an abstraction of content of a message
("...message envelope..." page 3 paragraphs 0048/0049,
"...b2b.protocol.messaging.MessageEnvelope component..." page 8 paragraph 0117),

and wherein each context object is assigned to at least one of the one or more

interfaces to facilitate access to content of the messages communicated through the

message interfaces ("...b2b.protocol.messaging.MessageEnvelope component..." page

8 paragraph 0117, "...getMessage method..." page 10 paragraphs 0150/0152).

10.   As to claim 7, see the rejection of claim 3 above.

11.   As to claim 8, Blevins teaches a system in accordance with claim 6, further

comprising a directory that stores a plurality of routing rules for routing messages

between a sender and one or more receivers through one or more message interfaces

("...rules...' page 3 paragraph 0043).

12.   As to claim 9, Blevins teaches a system in accordance with claim 8, wherein the

context objects are assigned to the one or more interfaces according to one or more

business processes stored in the directory ("...repository..." page 9 paragraph 0128).

13.   As to claim 10, Blevins teaches a system in accordance with claim 9, further

comprising an integration server for executing the one or more business processes

(figure 1 B2B Integration Engine 100 page 4 paragraphs 0053-005).

14.   As to claims 11-15, see the rejection of claims 2-5 respectively.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E. Anya whose telephone number is 571-272-3757. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on 571-272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

cea.

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER